

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)				ADVERSARY PROCEEDING NUMBER (Court Use Only)	
PLAINTIFFS		DEFENDANTS	Collection 1st Investors Afni, Inc Alltel Grnpt Crd Aspen/Fb&T Cca/cds Chase Auto Chase Auto Fin.	Hccredit/cit Hsbc Auto Fin. HSBC Bank I C System IRS Lanier Collection Agency Midland Credit Mgmt National Capital Management, LLC Ocmulgee Milledgeville Child Support	Queensborough National Bank Tonya Baker Tribute/Fbd US Bank/na ND Wells Fargo Bank, N.A. World Fin Zenith Acquisition
Willie Edward Barksdale					
ATTORNEYS (Firm Name, Address, and Telephone No.)			ATTORNEYS (If Known)		
Anthony Sandberg 229 Peachtree Street Atlanta, GA 30303					
PARTY (Check One Box Only)		PARTY (Check One Box Only)			
<input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Creditor <input type="checkbox"/> Trustee		<input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Other			
U.S. Trustee/Bankruptcy Admin Other					
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)					
COMPLAINT TO REIMPOSE AUTOMATIC STAY					
NATURE OF SUIT					
(Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)					
FRBP 7001(1) – Recovery of Money/Property			FRBP 7001(6) – Dischargeability (continued)		
<input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other			<input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other		
FRBP 7001(2) – Validity, Priority or Extent of Lien			FRBP 7001(7) – Injunctive Relief		
<input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property			<input checked="" type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other		
FRBP 7001(3) – Approval of Sale of Property			FRBP 7001(8) Subordination of Claim or Interest		
<input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)			<input type="checkbox"/> 81-Subordination of claim or interest		
FRBP 7001(4) – Objection/Revocation of Discharge			FRBP 7001(9) Declaratory Judgment		
<input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)			<input type="checkbox"/> 91-Declaratory judgment		
FRBP 7001(5) – Revocation of Confirmation			FRBP 7001(10) Determination of Removed Action		
<input type="checkbox"/> 51-Revocation of confirmation			<input type="checkbox"/> 01-Determination of removed claim or cause		
FRBP 7001(6) – Dischargeability			Other		
<input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny			<input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et.seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)		
(continued next column)					
<input type="checkbox"/> Check if this case involves a substantive issue of state law		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23			
<input type="checkbox"/> Check if a jury trial is demanded in complaint		Demand \$			
Other Relief Sought					
N/A					

B104 (FORM 104) (08/07), Page 2

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Willie Edward Barksdale	BANKRUPTCY CASE NO. 09-53017	
DISTRICT IN WHICH CASE IS PENDING MIDDLE DISTRICT OF GEORGIA	DIVISION OFFICE MACON	NAME OF JUDGE HERSHNER
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
<p style="text-align: center;">/S/ ANTHONY SANDBERG</p>		
DATE January 5, 2010	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Anthony Sandberg	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

IN RE:) CHAPTER 13 CASE
)
Willie Edward Barksdale) NO. 09-53017
)
)
Debtor.)

Willie Edward Barksdale)
) ADVERSARY PROCEEDING
Plaintiff.)
v.) NO. _____
)
)
1st Investors, et. al.)

COMPLAINT TO IMPOSE AUTOMATIC STAY

Comes now the above Debtor, Willie Edward Barksdale, by and through
counsel, and shows to this Honorable Court the following:

1.

This Court has jurisdiction over this matter pursuant to 28 U.S.C. Sections 151
and 1334 and pursuant to the above-styled Chapter 13 case filed by the Debtor. This is a
core proceeding within the meaning of 28 U.S.C. Section 157.

2.

On September 21, 2009, Debtor filed a Voluntary Petition for Bankruptcy relief
pursuant to Title 11, Chapter 13 of the United States Code. Within the last year Debtor
also had another pending case, #08-53523, filed on November 30, 2008 and dismissed

after confirmation on August 19, 2009. The automatic stay provisions of 11 U.S.C. Section 362 terminated at the end of thirty days from the date of filing of the instant case inasmuch as no Order was entered by this Court extending the stay.

3.

Debtor's previous case was dismissed because Debtor's wife lost her job resulting in their inability to continue to fund the Plan.

4.

There has been a change in circumstances since the previous case was dismissed. Debtor's wife is now receiving unemployment compensation and is currently seeking new employment. Consequently, Debtor is able to fund the current Chapter 13 Plan.

5.

Debtor seeks an Order from this Court imposing the automatic stay against all creditors which shall remain in effect until such time as the case is dismissed or the stay is otherwise terminated by operation of law.

WHEREFORE, Debtor prays for the following:

- A. This Complaint be filed, read and considered;
- B. This Honorable Court impose the stay;
- C. This Court grant any further relief as this Court deems just and proper.

This 5th day of January, 2010

Respectfully submitted,
The Sandberg Law Firm

/s/ Anthony Sandberg
Attorney for the
Debtor Bar# 625210